

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

ROB LEE)	
)	
Complainant,)	
)	
v.)	File No. WC-2009-0277
)	
MISSOURI AMERICAN)	
WATER COMPANY)	
)	
Respondent.)	

Order Directing Filing

Issue Date: April 7, 2009

Effective Date: April 7, 2009

The Missouri Public Service Commission is soliciting the parties' input on which allegations to maintain as joined for hearing under this file number and which to sever into separate files.

In this action, Rob Lee seeks repairs to the system of Missouri American Water Company ("MAWC"), arguing that system leaks are manifested by the appearance of surface water. On January 27, 2009, Rob Lee initiated this action by filing the complaint. On February 3, 2009, Mr. Lee filed an email with additional documentation. On March 20, 2009, Mr. Lee filed four more complaint forms. On April 6, Mr. Lee filed two amendments to the complaint.

Those documents make the following allegations as to surface water:

<i>Location</i>	<i>Status</i>
in front of 11334 Larimore Ave.	running out of the ground and driveway
in front of 1207 Coal Bank[.]	leaking from between the cracks in the street
near my mailbox [at 11119 Carl]	flow[ing] from a storm drain that runs across my property under my driveway

between 11334 Larimore and Warman Oil Co.	run[ning] into a storm drain
under Larimore at McQuay	leak[ing] into the 2' clay drain pipe
at Larimore & the RR Trax	run[ning] into the storm drain.
at Larimo[re] Ave. and Coalbank Rd.	leak[ing]
at 11339 Larimo[re] . . . across from 11334 Larimore[.]	flowing out of the culvert that runs under [the] two driveways

Each of those filings seeks the same relief based on the appearance of surface water at proximate locations. Therefore, the Commission treated each of the additional locations as additional information related to the complaint.

On April 6, 2009, Mr. Lee contacted the Commission, seeking procedural guidance, and suggesting that at least some locations may constitute separate contested cases. Separate contested cases require the Commission to issue separate notices, MAWC to file separate answers, the staff to file separate reports, and the Commission to convene separate pre-hearing conferences and to convene separate hearings. Such procedure may delay the resolution of, what appears to be, a single claim that MAWC's system leaks, but at least some procedure will be required as to each location on which the Commission bases its decision.

Those matters will among the subjects for discussion at the pre-hearing conference. At the pre-hearing conference, therefore, the parties shall be prepared to discuss whether all locations should be joined in one contested case, whether some locations should be severed into separate contested cases, and the procedure required for each location alleged. Such matters will also be the subject of a memorandum that the Commission will direct the parties to file in anticipation of such discussion.

THE COMMISSION ORDERS THAT:

1. No later than April 16, 2009, each party shall file a memorandum setting forth its suggestions as to whether all locations should be joined in one contested case, whether some locations should be severed into separate contested cases, and the procedure required for each location alleged.
2. At the pre-hearing conference, each party shall be prepared to discuss the subject of the memoranda described in ordered paragraph 1.
3. This order shall become effective immediately on issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Jordan, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of April 2009.